

CUATRECASAS REPRESENTS UBER IN THE EUROPEAN COURT OF JUSTICE

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Cuatrecasas Gonçalves Pereira represented Uber in the European Court of Justice in a case related to the company's provision of digital services.

The court, consisting of a panel of 15 judges in the Great Chamber, was asked to consider whether Uber offers a transport service or a digital service accessible by a mobile app.

The proceedings started in April 2015 when the Elite Taxi Professional Association (*Asociación Profesional Élite Taxi*) filed an unfair competition claim with a commercial court of Barcelona. The matter subsequently went to the European Court.

A joint team from Cuatrecasas and the French firm Gide, led by Cuatrecasas partner Cani Fernández, contended that the nature of Uber's activity is protected by the EU directive on information society services, and consequently its activity is in line with EU law.

In the hearing before the court's Great Chamber, Fernández argued that Uber's activities "cannot be reduced to a mere transport

service, and it is a clear example of the use of digital platforms to develop innovative services, such as collaborative economy, to connect users seeking a common interest."

The advocate general appointed for this case will make his findings public in April 2017, and the final ruling is expected three to six months later. A Cuatrecasas statement said: "The EU court's decision will have a great impact as it will establish a legal precedent for all companies that foster the collaborative economy and development of the digital economy."

Based in San Francisco, Uber operates in over 72 countries and 450 cities throughout the world. In Spain, the service is available in Madrid.